

ENTERED

February 19, 2019

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

COLLINS O. NYABWA,

Plaintiff,

v.

UNITED STATES DEPT. OF DEFENSE,

Defendant.

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CIVIL ACTION NO. H-18-2042

ORDER OF DISMISSAL

Plaintiff, who is not in custody, filed this *pro se* civil lawsuit seeking \$2 million in damages from the United States Department of Defense and its unnamed employees for their alleged unlawful stalking and surveillance. The lawsuit is DISMISSED for plaintiff's failure to pay the filing fee, as follows.

Plaintiff reported in his application to proceed *in forma pauperis* that he was gainfully employed with take-home earnings of \$580.00 per week. The Court found that he was unable to pay the \$400.00 filing fee in full at time of filing, but that he could pay the fee in installments. The Court ordered plaintiff to pay the filing fee in monthly payments of \$50.00, commencing July 1, 2018.

Plaintiff made one \$50.00 payment on July 20, 2018, following receipt of a 10-day warning letter from the Court. Plaintiff made no subsequent payments and provided no reasons for non-payment; consequently, on September 25, 2018, the Court withdrew its order allowing plaintiff to pay the filing fee in installments. Because an order allowing

installment payments was no longer in effect, the \$350.00 fee balance became due, and plaintiff was granted an extension to pay the balance by December 3, 2018.

On November 29, 2018, the Court granted plaintiff a second extension until January 4, 2019, to pay the fee. One month later, on December 27, 2018, plaintiff filed a third motion for an extension, seeking an additional 90 days to pay the fee. The Court denied the third motion for an extension. Plaintiff recently submitted \$20.00 on January 18, 2019, and \$20.00 on February 1, 2019, presumably toward payment of the filing fee. Thus, plaintiff has paid only \$90.00 of the \$400.00 filing fee over the past seven months, and has continually failed to abide by the Court's orders for payment. To-date, the filing fee remains unpaid.

For these reasons, this case is **DISMISSED WITHOUT PREJUDICE** for failure to pay the filing fee. Any and all pending motions are **DENIED AS MOOT**.

Signed at Houston, Texas on February 19, 2019.

A handwritten signature in black ink, appearing to read 'Gray H. Miller', is written over a horizontal line.

Gray H. Miller
Senior United States District Judge